

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERALANDREW M. CUOMO
ATTORNEY GENERALLESLIE G. LEACH
EXECUTIVE DEPUTY ATTORNEY GENERAL
DIVISION OF STATE COUNSELJUNE DUFFY
ASSISTANT ATTORNEY GENERAL IN CHARGE
LITIGATION BUREAURECEIVED
December 13, 2007Via Facsimile: (914) 390-4085)

Honorable Charles L. Brieant
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: Trocka v. Eli, 07-Civ.-3718 (CLB)

Dear Judge Brieant:

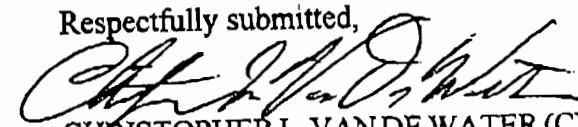
Application Granted
No Hearing
12/17/07 Charles L. Brieant
11815

I represent the defendant Nicole Eli, a member of the New York State Police, in the above-referenced action. I recently assumed responsibility for this case from the prior handling attorney, Kevin McCaffrey, who is no longer with our office, and have filed a Notice of Substituted Appearance contemporaneously with this letter. Plaintiff brings this action pursuant to 42 U.S.C. §1983 against defendant seeking compensatory and punitive damages for alleging using excessive force in violation of the Fourth and Fourteenth Amendments on September 13, 2006.

I am writing to request an adjournment of the January 11, 2008 final conference upon consent of all parties herein. This request has become necessary due to deposition scheduling conflicts with plaintiff's offices, as well as to provide the parties with sufficient time to complete outstanding discovery without unnecessary inconvenience to the Court. More specifically, aside from party-depositions, numerous non-party depositions remain outstanding, many of whom are students, bus drivers, or school administrators.

Therefore, upon consent, the undersigned respectfully requests a 64 day adjournment of the Friday, January 11, 2008 conference to Friday, March 14, 2008.

Respectfully submitted,



CHRISTOPHER L. VANDE WATER (CV-6588)

Assistant Attorney General

cc: Michael H. Sussman, Esq. (Via Facsimile)